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**COPY FOR CONTINUING  
APPLICATION**

Docket No. 0802CG-01

**DECLARATION FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name,

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**INTERVERTEBRAL CAGE AND METHOD OF USE**

the specification of which is attached hereto; or which was filed on \_\_\_\_\_, Serial No. \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint **Robert A. Felsman**, Reg. No. 22,107; **James E. Bradley**, Reg. No. 27,536; **Charles D. Gunter, Jr.**, Reg. No. 29,386; **Andrew J. Dillon**, Reg. No. 29,634; to prosecute this application and to transact all business in the U.S. Patent and Trademark Office in connection therewith.

Please send all correspondence to:

Charles D. Gunter, Jr.  
Reg. No. 29,386  
Felsman, Bradley, Vaden, Gunter & Dillon, LLP  
201 Main Street  
Suite 1600  
Fort Worth, Texas 76102  
(817)332-8143

Inventor's Signature: \_\_\_\_\_

*John A. Sazy*

Full Name of Sole or First Inventor: John A. Sazy

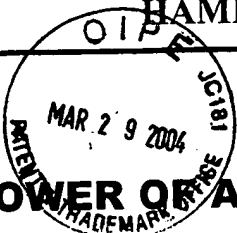
Date of Signature: \_\_\_\_\_

*1-2-22-99*

Residence Address: 3217 Omega Drive, Arlington, Texas 76014

Citizenship: United States of America

Post Office Address: same



# POWER OF ATTORNEY OR AUTHORIZATION OF AGENT AND CORRESPONDENCE ADDRESS

Application Number	10/655,571
Filing Date	September 4, 2003
First Named Inventor	John A. Sazy
Confirmation Number	6429
Group Art Unit	3738
Examiner Name	Not yet known
Attorney Docket Number	3518.1016-000

Title Intervertebral Cage and Method of Use

I/We hereby appoint

☒ the attorneys/agents associated with Customer No. 021005

☐ Practitioner(s) named below:

as my/our attorneys/agents to prosecute the application identified above, including any continuation or divisional applications thereof, and to transact all business in the United States Patent and Trademark Office connected therewith.

The correspondence address for the above-identified application is:

☒ Customer Number 021005

Hamilton, Brook, Smith & Reynolds, P.C.

530 Virginia Road

P.O. Box 9133

Concord, Massachusetts 01742-9133

☐ Other

Please direct all telephone calls and facsimiles to:

Name N. Scott Pierce

Tel. No.

978-341-0036

Fax No.

978-341-0136

I am the:

☐ Applicant/Inventor.

☒ Authorized representative of the Assignee, DePuy Spine, Inc., of the entire interest. See 37 C.F.R. § 3.71. A Statement under 37 C.F.R. § 3.73(b) is enclosed.

☐ Authorized representative of the Assignee, [ ], together with [ ], of the entire interest. A Statement under 37 C.F.R. § 3.73(b) is enclosed.

SIGNATURE of Applicant or Assignee of Record

Name & Title

Thomas M. DiMauro - Assistant Secretary, DePuy Spine

Signature

Thomas M. DiMauro

Date

3-15-04



Docket No. 3518.1016-000

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Applicant: John A. Sazy  
Application No.: 10/655,571 Filed: September 4, 2003  
For: Intervertebral Cage and Method of Use

DePuy Spine, Inc.

(Name of Assignee)

, a corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A. ☒ the assignee of the entire right, title and interest in the patent application identified above; or  
B. ☐ an assignee together with [ ] of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. ☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: John A. Sazy To: DePuy AcroMed, Inc.  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
2. From: DePuy AcroMed, Inc. To: DePuy Spine, Inc.  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: 3-15-04

Name: Thomas M. DiMauro

Title: Assistant Secretary, DePuy Spine

Signature: Thomas M. DiMauro

@PFDesktop\ODMA\MHODMA\HBSR05\iManage\419197\1

MAR 29 2004

# RECORDATION FORM COVER SHEET PATENTS ONLY

Docket No.: 3518.1016-000

To the Director of the U.S. Patent and Trademark Office: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies)

John A. Sazy

2. Name and address of receiving party(ies)

Name: DePuy AcroMed, Inc.

Internal Address:

Street Address: 325 Paramount Drive

City: Raynham State: MA ZIP: 02767

Additional name(s) & address(es) attached? ☐ Yes ☒ No

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

Execution Date: 08/28/2002

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

09/471,312

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: N. Scott Pierce

Internal Address:

Hamilton, Brook, Smith & Reynolds, P.C.

Street Address: 530 Virginia Road, P.O. Box 9133

City: Concord State: MA ZIP: 01742-9133

6. Total number of applications and patents involved: [ 1 ]

7. Total Fee (37 C.F.R. 3.41)..... \$ 40.00

☐ Enclosed

☒ Authorized to charge any deficiencies or credit any overpayment to deposit account number 08-0380

☒ Authorization to charge deposit account number 08-0380

Attach a copy of this page if paying by deposit account and filing via mail.

Do not attach a copy of this page if paying by deposit account and filing via facsimile.

DO NOT USE THIS SPACE

8. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

N. Scott Pierce

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: [ 3 ]

## Appendix C

Sole Inventor

### A S S I G N M E N T

Serial No. 09/471,312  
Filed

WHEREAS, John Sazy, MD, residing at 3217 Omega Drive, Arlington, TX 76014 (hereinafter called "Assignor"), has made certain new and useful inventions or discoveries relating to a Banana-shaped interbody fusion device

for which he has on the            day of            , 200    executed an application for Letters Patent of the United States; and

WHEREAS, DePuy AcroMed, Inc., a corporation of the State of Ohio, (hereinafter called "Assignee"), is desirous of acquiring the entire right, title, and interest therein;

NOW, THEREFORE, BE IT KNOWN that for and in consideration of the sum of Five Thousand Dollars and other valuable considerations to him moving, the receipt of which is hereby acknowledged, Assignor has sold, assigned, and transferred, and does hereby sell, assign, and transfer unto said Assignee the entire right, title, and interest in and to the Pre-Existing Intellectual Property, including but not limited to all said inventions and discoveries disclosed in said application whose identification above by serial number and filing date, when available is hereby authorized, and in and to said application, all substitutions, divisions, and continuations thereof, and in and to all Letters Patent, United States and foreign, that may be granted for said inventions and discoveries, and in and to all extensions, renewals, and reissues thereof, the same to be held and enjoyed by said Assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made;

And Assignor hereby authorizes and requests the Commissioner of Patents of the United States to issue said Letters Patent in accordance with this Assignment;

And for the consideration aforesaid, Assignor covenants and agrees with said Assignee that he has a full and unencumbered title to the inventions and discoveries above described and hereby assigned, which title he warrants unto said Assignee, its successors and assigns;

And for the consideration aforesaid, Assignor further covenants and agrees that he will, whenever requested, but without cost to him promptly communicate to said Assignee or its representatives any facts known to him relating to said inventions and discoveries, testify in any interference or legal proceedings involving said inventions and discoveries, and execute any additional papers that may be necessary to enable said Assignee or its representatives, successors, nominees, or assigns to secure full and complete protection for the said inventions and discoveries or that may be necessary to vest in said Assignee the complete title to the said inventions and discoveries and patents hereby conveyed and to enable it to record said title.

IN TESTIMONY WHEREOF, Assignor has hereunto set his hand and seal  
this day of 28<sup>th</sup>. 2002, August.

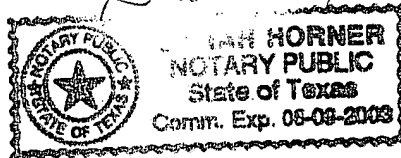
[Signature] (L.S.)

STATE OF TEXAS  
COUNTY OF TARRANT ss.

BE IT REMEMBERED, That on this 28<sup>th</sup> day of Aug., 2002, before me, a Notary Public, personally appeared John Sazy, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and I having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.

Notary Public

Sarah Horner





MAR 29 2004

# RECORDATION FORM COVER SHEET PATENTS ONLY

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies)

DePuy AcroMed, Inc.

2. Name and address of receiver

Name: DePuy Spine, Inc.

Internal Address:

**COPY**

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☐ Assignment

☐ Merger

☐ Security Agreement

☒ Change of Name, as evidenced by attached Certificate of Amendment by Shareholders or Members and Authentication

☐ Other

Execution Date: October 1, 2003

Street Address: 325 Paramount Drive

City: Raynham State: MA ZIP: 02767-350

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

See Attachment

B. Patent No.(s)

Additional numbers attached? ☒ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: N. Scott Pierce, Esq.

Internal Address: Hamilton, Brook, Smith & Reynolds, P.C.

Street Address: 530 Virginia Road, P.O. Box 9133

City: Concord State: MA ZIP: 01742-9133

6. Total number of applications and patents involved: [20]

7. Total Fee (37 C.F.R. 3.41)..... \$ 800.00

☒ Enclosed

☒ Authorized to charge any deficiencies or credit any overpayment to deposit account

☐ Authorization to charge deposit account number 08-0380

Attach a copy of this page if paying by deposit account and filing via mail.

Do not attach a copy of this page if paying by deposit account and filing via facsimile.

DO NOT USE THIS SPACE

8. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

N. Scott Pierce

Name of Person Signing

Signature

Date

12/2/03

Total number of pages including cover sheet, attachments, and document: [6]

RECORDATION FORM COVER SHEET  
Attachment

4. Application number(s) and patent number(s), if applicable, continued:

<u>Docket No.</u>	<u>Application No.</u>	<u>App. Filing Date</u>	<u>Patent No.</u>	<u>Pat. Filing Date</u>
3518.1001-000	60/459,280	03/31/2003		
3518.1002-000	10/405,064	03/31/2003		
3518.1003-000	10/405,063	03/31/2003		
3518.1004-000	10/405,113	03/31/2003		
3518.1005-000	10/405,062	03/31/2003		
3518.1006-000	60/448,221	02/14/2003		
3518.1007-000	60/459,279	03/31/2003		
3518.1008-000	60/459,381	03/31/2003		
3518.1009-000	60/483,761	06/30/2003		
3518.1010-000	10/675,580	09/30/2003		
3518.1011-000	10/610,369	06/30/2003		
3518.1012-000	60/470,098	05/13/2003		
3518.1012-001	10/456,948	06/06/2003		
3518.1012-002	10/610,355	06/30/2003		
3518.1012-003	10/631,487	07/31/2003		
3518.1013-000	10/616,506	07/08/2003		
3518.1015-000	10/630,227	07/30/2003		
3518.1016-000	10/655,571	09/04/2003		
3518.1018-000	10/639,782	08/12/2003		
3518.1019-000	10/640,412	08/13/2003		

O I P E J C 18  
MAR 29 2004

DOCUMENT NO. 200327600245  
DESCRIPTION DOMESTIC/AMENDMENT TO ARTICLES (AMD)

FILING  
50.00

EXPED  
100.00

PENALTY  
.00

CERT  
20.00

COPY  
.00

DATE:  
10/03/2003

Receipt

This is not a bill. Please do not remit payment.

C.T. CORPORATION SYSTEM  
17 S. HIGH STREET  
COLUMBUS, OH 43215

# STATE OF OHIO

Ohio Secretary of State, J. Kenneth Blackwell

614043

It is hereby certified that the Secretary of State of Ohio has custody of the business records for  
**DEPUY SPINE, INC.**

and, that said business records show the filing and recording of:

Document(s)

DOMESTIC/AMENDMENT TO ARTICLES

Document No(s):

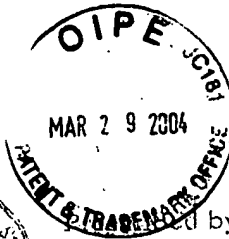
200327600245



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of  
the Secretary of State at Columbus,  
Ohio this 1st day of October, A.D.  
2003.

*J. Kenneth Blackwell*  
Ohio Secretary of State



Filed by **J. Kenneth Blackwell**  
Ohio Secretary of State  
Central Ohio: (614) 466-3910  
Toll Free: 1-877-SOS-FILE (1-877-767-3453)

[www.state.oh.us/sos](http://www.state.oh.us/sos)  
e-mail: [busserv@sos.state.oh.us](mailto:busserv@sos.state.oh.us)

Expedite this Form: (Select One)	
Mail Form to one of the Following:	
<input type="radio"/> Yes	PO Box 1390 Columbus, OH 43216 *** Requires an additional fee of \$100 ***
<input type="radio"/> No	PO Box 1028 Columbus, OH 43216

**Certificate of Amendment by  
Shareholders or Members  
(Domestic)  
Filing Fee \$50.00**

**(CHECK ONLY ONE (1) BOX)**

<b>(1) Domestic for Profit</b> <input type="checkbox"/> Amended (122-AMAP)	<input checked="" type="checkbox"/> Amendment (125-AMDS)	<b>(2) Domestic Non-Profit</b> <input type="checkbox"/> Amended (126-AMAN)	<input type="checkbox"/> Amendment (128-AMD)
--	---	--	---

Complete the general information in this section for the box checked above.

Name of Corporation DePuy AcroMed, Inc.  
Charter Number 614043  
Name of Officer C. W. Smith  
Title Vice President, Law

☒ Please check if additional provisions attached.

The above named Ohio corporation, does hereby certify that:

☐ A meeting of the ☐ shareholders ☐ members was duly called and held on \_\_\_\_\_ (Date)

at which meeting a quorum was present in person or by proxy, based upon the quorum present, an affirmative vote was cast which entitled them to exercise \_\_\_\_\_ % as the voting power of the corporation.

☒ In a writing signed by all of the ☒ shareholders ☐ members who would be entitled to the notice of a meeting or such other proportion not less than a majority as the articles of regulations or bylaws permit.

Clause applies if amended box is checked.

Resolved, that the following amended articles of incorporations be and the same are hereby adopted to supercede and take the place of the existing articles of incorporation and all amendments thereto.

All of the following information must be completed if an amended box is checked.  
If an amendment box is checked, complete the areas that apply.

FIRST: The name of the corporation is: DePuy Spine, Inc.

SECOND: The place in the State of Ohio where its principal office is located is in the City of:

\_\_\_\_\_  
(city, village or township) (county)

THIRD: The purposes of the corporation are as follows:

FOURTH: The number of shares which the corporation is authorized to have outstanding is: \_\_\_\_\_  
(Does not apply to box (2))

Other: This amendment shall become effective on October 1, 2003.

REQUIRED  
Must be authenticated  
by an authorized  
representative  
(See Instructions)

Catherine W. Smith

Authorized Representative  
C. W. Smith, Vice President, Law

\_\_\_\_\_  
Date

\_\_\_\_\_

Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_

Authorized Representative

\_\_\_\_\_  
Date

## Instructions for Amendment by Shareholders or Members

**Follow these instructions in this section if an item in box (1) is checked.**

Without limiting the generality of the authority to amend the articles, the articles may be amended to do any of the following:

Change the name of the corporation;

Change the place in this state where its principal office is to be located;

Change, enlarge, or diminish its purpose or purposes;

Increase or decrease the authorized number of shares of any class;

Authorized shares of a new class or classes;

Increase or decrease the par value of issued or unissued shares with par value;

Change issued or unissued shares of any class, whether with or without par value, into the same or a different number of shares of any class with or without par value, theretofore or then authorized.

An amendment that changes a corporation into a nonprofit corporation shall contain a statement of purposes proper in the case of a nonprofit corporation and a statement that, after the effective date of the amendment, the corporation shall be subject to the provisions of the ORC relating to nonprofit corporations. In the case of a corporation formed on or after June 9, 1927, the amendment also shall provide for the cancellation of all outstanding shares and the terms and considerations, if any, for the cancellation. In the case of a corporation formed prior to June 9, 1927, the amendment may provide for the cancellation of outstanding shares, but if it does not so provide, the amendment shall contain a provision forbidding the payment of dividends or distributions on any shares after the effective date of the amendment. An additional fee may be charged if the number of shares are being increased.

**Follow these instructions in this section if an item in box (2) is checked.**

The articles may be amended from time to time in any respect if the articles as amended set forth all such provisions as are required in, and only such provisions as may properly be in, original articles filed at the time of adopting the amendment, other than with respect to the initial directors, except that a public benefit corporation shall not amend its articles in such manner that it will cease to be a public benefit corporation.

Without limiting the generality of such authority, the articles may be amended to:

Change the name of the corporation;

Change the place in this state where its principal office is to be located;

Change, enlarge, or diminish its purpose or purposes;

Change any provision of the articles or add any provision that may properly be included therein.

**Follow these instructions in this section for Authorized Representative**

If the entity is a:

Corporation - Must be signed by a corporate officer.

Non-Profit Corporation - Must be signed by officer.